

Notice of Allowability

Application No.

10/823,740

Examiner

Sara Addisu

Applicant(s)

ROBINSON ET AL.

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/28/06.
2. ☒ The allowed claim(s) is/are 22-26
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

Claims 22-26 are allowed.

The closest prior art to the instant invention is Kelly et al. (U.S. Patent No. 2,503,951). Kelly et al. teaches in Figure 5, a tool body (23) for a rotatable cutting tool having at least one recess (24) with a first and second opposing walls for releasably retaining a replaceable insert (25 with exposed cutting edge), an isolating channel/slot (17) spaced from the recess to define an elastically deformable leaf there between, wherein the first wall of the recess is formed by the leaf. Kelly et al. also teaches a tapered pin (leaf bending element) (19) adjustable within the isolating channel for elastically bending the leaf from a relaxed position to a clamping position wherein the first wall clamps the insert against the second wall. Furthermore, Kelly et al. teaches in Figure 5, first wall that is inclined at a shallow angle relative to the second wall and when the leaf is in the relaxed position, the first wall diverges from the second wall in a direction away from an open end of the recess ('951, Col. 3, lines 45-56).

However, regarding independent claim 22, Kelly et al. fails to anticipate or make obvious the isolation channel being inclined at a shallow angle to approach the recess in a direction away from an open end of the isolation channel. Regarding independent claims 22 and 26, Kelly et al. fails to anticipate or make obvious to provide the tapered hole (18) with an internal thread for receiving a tapered threaded screw (and for the isolation channel to straddle the threaded hole). It should be noted that there is not

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enough room at the end of the tapered pin (19) to accommodate a threaded hole for receiving a taper headed screw, in Kelly et al.'s tool (such as the one shown in Hunter, USP 867,275, figure 6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SARA ADDISU
7/19/06

Monica S. Carter
MONICA CARTER
SUPERVISORY PATENT EXAMINER